THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.11952 OF 2007

ORAL ORDER:

The writ petitioner herein is the authorized dealer of the fair price shop of N. Palagiri-II, V.N. Palli Mandal, Kadapa district.

This writ petition is filed seeking a declaration that the order passed by the 2nd respondent dated 30.5.2007 cancelling the petitioner's authorization as arbitrary and illegal.

The fact that that the petitioner was issued a notice dated 7.5.2007 by the 2nd respondent, calling upon him to show cause as to why his authorization should not be cancelled, and the same was served on the petitioner on 15.5.2007 is not in dispute. However, whereas the respondents contended that the petitioner failed to submit his explanation, the petitioner claims that as a matter of fact, he submitted his explanation within the time granted on 22.5.2007 itself in person. It is also alleged that in spite of the request made by the petitioner, the petitioner was not issued any acknowledgement and, therefore, the allegation that the petitioner has failed to submit his explanation is incorrect.

A perusal of the impugned order itself shows that the authorisation was cancelled without taking into consideration the version of the petitioner on the ground that he failed to submit his explanation within the time granted.

Having regard to the specific plea raised by the petitioner that he had actually submitted his explanation on 22.5.2007 and particularly keeping in view that the impugned order is penal in nature involving civil consequences, I am of the opinion that it would be appropriate to afford an opportunity to the petitioner to explain the alleged irregularities.

Accordingly, the impugned order is set aside and the writ

petition is disposed of granting liberty to the petitioner to submit his explanation to the show cause notice on or before 18.6.2007. If any such explanation is submitted within the time fixed above, the 2nd respondent shall consider the same and pass appropriate orders in accordance with law. No costs.

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(G. ROHINI).

11th June, 2007.
Note: Issue CC by tomorrow.
(Bo)
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.11952 OF 2007

11th June, 2007.

Between:

L. Chenna Reddy. .. Petitioner.

And

The State of Andhra Pradesh, represented by its
District Collector, Kadapa,
Kadapa District and others. ..
Respondents.